

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

<p>MARTEZE HALIBURTON,</p> <p>Plaintiff,</p> <p>vs.</p> <p>CITY OF FERNDAL, a Michigan Municipal Corporation, d/b/a FERNDAL POLICE DEPARTMENT, BRANDON SZCZESNIAK, JUSTIN HARWOOD, KEVIN JEROME, and NATHAN BODENDORFER, in their individual and official capacities,</p> <p>Defendants.</p>	<p>2:21-CV-10864-TGB-APP</p> <p>ORDER GRANTING IN PART, DENYING IN PART, DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS</p>
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For the reasons stated on the Record during the January 31, 2021 Hearing, Defendants' Motion for Judgment on the Pleadings is **GRANTED IN PART** and **DENIED IN PART**.

With respect to Plaintiff's Fourth Amendment claim pursuant to 42 U.S.C. § 1983 (Count I):

- Defendants' motion to dismiss Plaintiff's claim against the City of Ferndale is **DENIED**. Accordingly, Plaintiff's claim against Brandon Szczesniak, Justin Harwood, and Nathan Bodendorfer

(“Non-searching Defendant Officers”) in their official capacity is **DISMISSED AS MOOT.**

- Defendants’ motion to dismiss Plaintiff’s claim against the Non-searching Defendant Officers in their individual capacity is **DENIED.**

With respect to Plaintiff’s Fourteenth Amendment claim (Count II):

- Defendants’ motion to dismiss Plaintiff’s claim against the City of Ferndale is **GRANTED.**
- Defendants’ motion to dismiss Plaintiff’s claim against the Non-searching Defendant Officers in their individual and official capacity is **GRANTED.**

IT IS SO ORDERED.

Dated: February 4, 2022 s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE